

KOAS

20 February 2019

KEEP OUR AREA SUBURBAN

The Independent Planning Commission
Level 3
201 Elizabeth Street
Sydney NSW 2000

Dear Commissioner

Re Liberty Platts Avenue Proposed rezoning -Belmore

We are writing to you to express concern at the extra material that now appears to have been provided by the proponent that has appeared on the Independent Planning Commission webpage dated 12 February 2019 being part of a bundle of documents attached to correspondence by Colin Biggers & Paisley (being the proponent's lawyers and " the writer") dated 6 February 2019 .

We are concerned at the timing of the provision of such information noting that the proponent gave evidence on 23 January 2019 and the affected residents relied on information supplied online by the proponent predates the material now provided on 12 February 2019.

We also express concern at the fact that the persons who initially made submissions (who had not been informed by the IPC of the review in the first place) were not made aware of this supplementary information for comment.

Of particular concern are comments made in the correspondence of 6 February 2019 by Colin Biggers Paisley as follows:

The writer clearly omits the reasons that the Administrator undertook the Canterbury Road Review which was as result of the ICAC inquiry , a loss of confidence by the community on what the previous council had done with development along Canterbury Road and a direction and support from the NSW Department of Planning to undertake such a review.

The writer clearly understates the lack of community support for this rezoning as evidenced by the large numbers of petitions and letters undertaken by many residents of the surrounding sites. The write dismisses the number and quality of submissions and labels them as "crude".

Of concern is that no reference is made to the technical argument as to why the Deputy Secretary of the Department of Planning lacked power in dealing with this planning proposal as the time for finalisation had expired in April 2017.

The writer does not address the objections of the adjoining land owner who is at odds with his client's proposed residential land use and the incompatibility and isolation of this site.

Furthermore the writer appears to misrepresent the approach of the Administrator and the newly elected council.

The writer is unaware of the rather unusual and concerning manner by which the Site Compatibility Certificate (SCC) was granted to the site known as 677 Canterbury Road Belmore.

His reliance on the SCC of this site to justify the overdevelopment of his client's land is highly flawed and misleading.

Documents obtained indicate that there was no paper trail for the granting of the SCC for this site and furthermore political intervention which would render its classification null and void.

There was no council meeting, there was no public consultation and it appears that the former General Manager together with all ward Councillors were unaware of such a classification.

The writer is further unaware that the site known as 677 Canterbury Road Belmore had at one stage been listed as a heritage item due to its industrial significance as part of the history of the area.

Furthermore the current development planning controls only allow for 12 metre on 677 Canterbury Road which renders the SCC invalid without a rezoning.

We fail to understand how the SCC certifies" that the development to which it relates is compatible with the surrounding land uses" **The surrounding land uses are R3 low rise residential in the streets adjoining in Anderson and Drummond Streets.**

Furthermore these streets (which 677 Canterbury Road Belmore fronts) are part of a National Trust conservation zone recommended in a report dated February 1996 and titled Housing In NSW Between the Wars.

We note that this project was assisted by a grant from the Commonwealth Government under the National Estate Grants Program administered by the Australian Heritage Commission and the then NSW Department of Urban Affairs and Planning.

Of further concern the writer purports to relay alleged conversations and assurances given in relation to this proposed rezoning none of which have been substantiated and or

documented in council files. We are concerned at the alleged misrepresentation by the writer of these alleged assurances particularly at a time when the council chamber offices had been raided by ICAC and a number of planning files had been removed.

Of further concern is the fact that the writer does not address the fact that the sites known as 1-3 Platts Avenue(which are R3 low rise residential) were never included in the Canterbury Road Masterplan and thus had no strategic merit. The inclusion of these 2 sites by the former council has no paper trail and thus should be excluded from any planning proposal.

Increasing the heights to the levels that have been proposed by the proponent have no merit and do not fit in with the general development strategy of Canterbury Road.

The proponent ignores the fact that other sites along in the B2 and B5 zone were supposed to be 18 metres(per the Canterbury Road Masterplan) and that the definition of height in the Canterbury Local Environmental Plan 2012 is to include the lift overrun. This should have limited to all the newly created B5 zones to 5 storeys only.

The Canterbury Local Environmental Plan 2012 was advertised and gazetted under very dubious circumstances whereby the previous Council upzoned for 44,000 units mostly in the newly created B2 and B5 zones across 7 suburbs and mainly Canterbury Road with the following occurring:

1. Non notification of adjoining and affected property owners of the zoning change to increase building height to 18 metres and to the removal of Floor Space Ratio.
2. Loss of the original letter by council notifying affected property owners of the zoning changes.
3. Loss of the original advertising in the local newspapers of these changes as part of its public notification policy.

These concerns and many more were outlined in correspondence sent by our community group KOAS (dated February and May 2015) to the then Ministers for Planning.

Of particular concern are the sites nominated by the writer's client in a drawing graph of the current highrise within 2-3 blocks of the current proposed site.

The sites are all part of the flawed CLEP 2012 and in particular the nominated Burwood Road and Canterbury Road precinct was rezoned behind closed doors in April 2011 to B2.

There was no technical report justifying an expansion of the town centre B2 code to what was partly R3 residential and light industrial warehousing areas which were a distance from the actual town centre of Burwood Road Belmore.

No reliance can be placed on these rezoned sites as they were rezoned in highly questionable circumstances.

The making of the CLEP 2012 will be the subject of further investigations and public inquiries in the foreseeable future as the gazettal on 1 January 2012 put into place a chain of events which rendered all previous good strategic planning extinct.

The writer ignores the strategic merit (and statutory weight)to be given to the District Plan. The predominantly residential use negates the employment generating use of the current zoning. There are many empty shops at the ground floor of the newly built B5 and B2 high rise buildings along Canterbury road and in the side streets.

The writer attaches a letter from Lyle Marshall & Partners Pty Limited in relation to the traffic effects of the rezoning and the concurrence of the RMS.

It is understood that the RMS requires many punitive changes to Canterbury Road such as banning all no right hand turns east and west running from Hurlstone Park through to Lakemba. This was contained in an extensive traffic report study which the previous council had undertaken in order to justify further high rise development along Canterbury Road.

The proponent does not refer to this study which is understood to have cost in excess of \$100,000 and many of these recommendations have not been put into place.

The creation of a laneway was the brainchild of several now disgraced former councillors and its use does not appear to have any planning merit other than to justify overdevelopment.

Any planning approval to be given for this site to the heights and density proposed will render the whole of the Canterbury Road Review irrelevant and will send a very clear message that the residents and ratepayers that no confidence can be placed in the decision making of the IHAP, the Council and the NSW Department of Planning in its attempt to clean up the mess that has been left behind by a group of councillors and former Director of Planning.

We kindly request that the IPC take into account and respect the integrity of the low rise nature of the side streets of Platts Avenue and Liberty Street and the effect of such bulky buildings on the Southern side of Canterbury Road which will create very dense and tall buildings which are totally incompatible with the low rise 1- 2 storey residential dwellings.

We further request that the IPC take in camera evidence from the directly affected property owners who appear to have been denied procedural fairness throughout this review.

[REDACTED]
Yours faithfully

[REDACTED]
For and on behalf of KOAS
[REDACTED]